

## Office of the Secretary of Defense

## § 254.4

(1) Monitor compliance with this part and the responsibilities of the Secretary of Defense as authorized by “National Defense Authorization Act for Fiscal Year 1993,” sections 4441, 4442, 4443, Public Law 102-484 (10 U.S.C. 1151, 1598, 2410c).

(2) The Director of Education, as the representative for the ASD(P&R), shall:

(i) Identify program needs and provide program direction.

(ii) Provide liaison and coordination with educational agencies, and school officials.

(iii) Oversee the funding of this program and ensure compliance with this memorandum.

(iv) Conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces towards satisfying certification or licensure requirements for teachers.

(b) The Secretaries of the Military Departments shall:

(1) Ensure that separating Service members are informed about the subject program during preseparation counseling provided by Transition Assistance Offices.

(2) Ensure that installation Education Centers can, upon request, provide information and counseling on teacher training and certification, including alternative certification requirements.

(3) Ensure that separating employees are informed about this program during preseparation counseling by installation and activity Civilian Personnel Officers.

(4) Ensure that personnel management offices inform noncommissioned officers who will reach ten years of service during the current fiscal year (until September 30, 1997), who have the potential to perform as elementary or secondary school teachers, but who do not satisfy the minimum educational requirements to qualify for the program of the opportunity to obtain those qualifications within five years after discharge or release from active duty and apply for placement assistance within one year thereafter.

(c) The Secretary of the Navy shall, as executive agent for the Defense Activity for Non-Traditional Education Support (DANTES), ensure DANTES is provided assistance and support in meeting its responsibilities in support of this program.

### § 254.4 Procedures.

(a) The Secretary of the Navy, as executive agent for DANTES, shall ensure DANTES executes the program, by:

(1) Issuing procedural guidance implementing this part, as necessary.

(2) Preparing and distributing information, forms and publications.

(3) Selecting participants based upon criteria established by “National Defense Authorization Act for Fiscal Year 1993,” Public Law 102-484, 106 stat. 2725, as amended by “National Defense Authorization Act for Fiscal Year 1994,” section 1331, Public Law 103-160, 107 stat. 1791 and those stated in paragraph (e) of this section.

(4) Receiving and evaluating applications for stipends and making awards based on criteria consistent with “National Defense Authorization Act for Fiscal Year 1993,” sections 4441, 4442, and 4443, Public Law 102-484, 106 stat. 2725 as amended by “National Defense Authorization Act for Fiscal Year 1994,” section 1331, Public Law 103-160, 107 stat. 1791 and “Higher Education Act of 1965,” section 472, (20 U.S.C. 10871l).

(5) Receiving and evaluating applications for grants and making awards, based on criteria consistent with reference to “National Defense Authorization Act for Fiscal Year 1993,” Public Law 102-484, 106 stat. 2725 as amended by “National Defense Authorization Act for Fiscal Year 1994, section 1331, Public Law 103-160, 106 stat. 2725, and title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) to eligible local educational agencies that agree to employ program participants pursuant to this part.

(6) As necessary and authorized, entering into agreements with other governmental and non-governmental entities, stipend awardees, and local educational agencies eligible to participate in the program.

(7) Establishing and maintaining a file on each applicant and tracking actions taken with regard to each applicant.

(8) Establishing and maintaining a file on each local educational agency or private defense contractor who seeks to enter into an agreement with the Department of Defense in connection with this program.

(9) Collecting debts owed the Department of Defense resulting from failure to comply with agreements made regarding the use of stipends given to program participants or grants made to local educational agencies.

(i) DANTES shall collect from local educational agencies an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion of required service bears to the five years of required service for participants that leave the employment of the local educational agency before the end of the five years of required service.

(ii) DANTES shall collect from personnel participating in this program, if the participant in the placement program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or as a teacher's aide or is terminated for cause, during the five years of required service. The participant shall be required to reimburse the Secretary of Defense for any stipend paid to the participant in the same ratio to the amount of the stipend as the unserved portion of required service bears to the five years of required service, except as provided in paragraph (f) of this section.

(10) Maintaining data on this program and provide reports to the Assistant Secretary of Defense (Personnel and Readiness) through the Navy, as executive agent, quarterly.

(b) Eligible Service members shall apply for participation in the program not later than 1 year after the date of discharge or release, except that eligible Service members whose date of discharge or release is on or after October 1, 1990, but before January 19, 1994, shall apply by October 5, 1995. Service members who are not eligible on their date of separation because they do not meet the degree requirements required

to participate in the program, but who earn an applicable degree within 5 years after separation, shall apply not later than 1 year after earning such a degree. Service members are also encouraged to register in the Public Community Service Registry their interest in pursuing employment as an elementary or secondary school teacher or teacher's aide. Information about the Registry is provided during preseparation counseling as part of the transition assistance program.

(c) Eligible Department of Defense or Department of Energy civilian employees shall apply after they have received written notice of termination of employment but not later than 1 year following the date of such termination. DANTES shall provide program information to civilian personnel offices that will allow civilian personnel offices to make an initial determination of eligibility and refer interested employees to installation education centers for program information and to DANTES for selection purposes.

(d) Eligible Department of Defense or Department of Energy civilian employees shall apply under procedures established by DANTES and published in the FEDERAL REGISTER, after they have received notice of termination but not later than 60 days following termination. DANTES shall provide program information to civilian personnel offices that will allow civilian personnel offices to make an initial determination of eligibility and refer interested employees to installation Education Centers for program information and to DANTES for selection purposes.

(e) Applications will be screened upon receipt and grouped for either immediate evaluation or deferred evaluation. Those applications screened for immediate evaluation will be evaluated as soon as possible after receipt to determine if selection is justified. If so, applicants will be notified that they have been selected to become participants in the program. An application initially marked for deferred evaluation will be reviewed at the end of each calendar month to determine if it should be accepted for immediate evaluation, further deferred pending receipt of additional information, or rejected. Criteria to be used in selecting

participants shall include the following:

(1) Is the applicant willing to work as a teacher or teacher's aide in an elementary or secondary school which serves a concentration of children from low income families?

(2) Does the applicant have educational or military experience in science, mathematics or engineering and agree to seek employment teaching science, mathematics or engineering?

(3) Is the applicant particularly likely to serve as a positive role model in the kinds of schools that are eligible to participate in this program?

(4) Does the applicant have educational or military experience in English, history, geography, foreign language, the arts or special education and agree to seek employment teaching these subjects or working with special education students?

(f) Selected participants, if eligible, may be provided a stipend to offset costs of the type described in Higher Education Act of 1965, section 472 (20 U.S.C. 10871) which are incurred by the participant while obtaining alternative certification or licensure to teach or necessary credentials to serve as a teacher's aide. A stipend will not be paid to any Service member who is entitled to the Special Separation Benefit (SSB) under 10 U.S.C. 1174a, or the Voluntary Separation Incentive (VSI) under 10 U.S.C. 1175, or who is given early retirement under "National Defense Authorization Act for Fiscal Year 1993," section 4403, Public Law 102-484, 106 stat. 2702.

(1) A stipend will not be paid to any civilian employee selected to participate in the placement program who receives separation pay under 5 U.S.C. 5597.

(2) If a participant fails to obtain certification or employment as a teacher or teacher's aide, or voluntarily leaves or is terminated for cause from employment during the five years of required service, the participant shall reimburse the Department of Defense for any stipend paid in an amount that is a prorated share based on the unserved portion of required service as provided in this paragraph. A participant may be excused from the reimbursement re-

quirement under certain circumstances provided for in "National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484, 106 stat. 2702. A participant shall be excused from the reimbursement requirement under the following circumstances. The participant:

(i) Is pursuing a full-time course of study related to the field of teaching at an eligible institution;

(ii) Is serving on active duty as a member of the armed forces;

(iii) Is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

(iv) Is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled; or

(v) Is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary or secondary school for a single period not to exceed 27 months.

(g) Participants will seek employment as elementary or secondary school teachers or teacher's aides in eligible local educational agencies identified by the Department of Defense.

(h) The Department of Defense through its executive agent, DANTES, will offer to enter into an agreement with the first eligible local educational agency that employs the participant as a full-time elementary or secondary school teacher or teacher's aide after the participant obtains necessary credentials. Under such agreements, DANTES will provide a grant to local educational agencies that agree to hire program participants for not fewer than five consecutive school years in a school of the local educational agency serving a concentration of children from low-income families. If employment is terminated by either the participant or the local educational agency before the end of the five years of required service, the grant will be adjusted as described in this part and any excess paid will be reimbursed to the government under guidance prescribed by DANTES.

(i) Participants may not be accepted to receive stipends nor agreements made with local educational agencies

to provide grants unless sufficient appropriations are available to support the obligations which may be incurred.

[59 FR 7213, Feb. 15, 1994, as amended at 60 FR 30189, June 8, 1995]

## PART 256—AIR INSTALLATIONS COMPATIBLE USE ZONES

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256.11 Effective date and implementation.

AUTHORITY: National Security Act of 1947, as amended, 61 Stat. 495.

SOURCE: 42 FR 773, Jan. 4, 1977, unless otherwise noted.

### § 256.1 Purpose.

This part:

(a) Sets forth Department of Defense policy on achieving compatible use of public and private lands in the vicinity of military airfields;

(b) Defines (1) required restrictions on the uses and heights of natural and man-made objects in the vicinity of air installations to provide for safety of flight and to assure that people and facilities are not concentrated in areas susceptible to aircraft accidents; and

(2) Desirable restrictions on land use to assure its compatibility with the characteristics, including noise, of air installations operations;

(c) Describes the procedures by which Air Installations Compatible Use Zones (AICUZ) may be defined; and

(d) Provides policy on the extent of Government interest in real property within these zones which may be retained or acquired to protect the operational capability of active military airfields (subject in each case to the availability of required authorizations and appropriations).

### § 256.2 Applicability.

This part applies to air installations of the Military Departments located within the United States, its territories, trusts, and possessions.

### § 256.3 Criteria.

(a) *General.* The Air Installations Compatible Use Zone for each military air installation shall consist of (1) land areas upon which certain uses may obstruct the airspace or otherwise be hazardous to aircraft operations, and (2) land areas which are exposed to the health, safety or welfare hazards of aircraft operations.

(b) *Height of obstructions.* The land area and height standards defined in AFM 86-8,<sup>1</sup> NavFac P-272 and P-80,<sup>1</sup> and TM 5-803-4<sup>1</sup> will be used for purposes of height restriction criteria.

(c) *Accident potential—(1) General.* (i) Areas immediately beyond the ends of runways and along primary flight paths are subject to more aircraft accidents than other areas. For this reason, these areas should remain undeveloped, or if developed should be only sparsely developed in order to limit, as much as possible, the adverse effects of a possible aircraft accident.

(ii) DoD fixed wing runways are separated into two types for the purpose of defining accident potential areas. Class A runways are those restricted to light aircraft (See § 256.6) and which do not have the potential for development for heavy or high performance aircraft use or for which no foreseeable requirement for such use exists. Typically these runways have less than 10% of their operations involving Class B aircraft (§ 256.6) and are less than 8000 feet long. Class B runways are all other fixed wing runways.

(iii) The following descriptions of Accident Potential Zones are guidelines only. Their strict application would result in increasing the safety of the general public but would not provide complete protection against the effects of aircraft accidents. Such a degree of protection is probably impossible to achieve. Local situations may differ

<sup>1</sup>Filed as part of original. Copies available in the Office of the Assistant Secretary of Defense (Installations and Logistics)—ID, Washington, DC 20301.